

BILL NO. Z-73-08-39

ZONING ORDINANCE NO. Z- Last

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. BB4

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B3B district under the terms of Chapter 36, Municipal Code of the City of Fort Wayne, Indiana, 1946, as amended by General Ordinance No. 2836 and amendments thereof, and the symbols of the City of Fort Wayne Zoning Map No. BB4 referred to therein, established by Section 9, Article III of said Chapter as amended, are hereby changed accordingly, to-wit:

Lot number 114 in W.J. and M.S. Vesey's Second Addition to the City of Fort Wayne except the east 115 feet thereof. Recorded by instrument number 72-25129 and part of lot number 115 in W.J. and M.S. Vesey's Addition to the City of Fort Wayne, commencing at the intersection of the East line of Broadway and the North line of Packard Avenue, thence north along the east line of Broadway in the City of Fort Wayne, Indiana a distance of 43.95 feet, hence east along the north line of said lot 115 a distance of 91.8 feet, thence south on a line parallel to the east line of said lot 115 a distance of 38.75 feet to a point on the north line of Packard Avenue in the City of Fort Wayne, Indiana, thence west along said north line of Packard Avenue a distance of 112 feet to place of beginning. Recorded by instrument number 72-21545.

SECTION 2. This ordinance shall be in full force and effect from and after its passage and approval by the Mayor and legal publication thereof.

  
Councilman

APPROVED AS TO FORM  
AND LEGALITY,

  
CITY ATTORNEY

Read the first time in full and on motion by Nuckols, seconded by Talarico, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 197\_\_\_\_, at \_\_\_\_\_ o'clock P.M., E.S.T.

Date: 8-28-73

Chuck M. Tuttleman  
CITY CLERK

Read the third time in full and on motion by Nuckols, seconded by Thuriga, and duly adopted, placed on its passage.

Passed (LOST) by the following vote:

|             | AYES <u>1</u>                       | NAYS <u>7</u>                       | ABSTAINED _____          | ABSENT <u>1</u> to-wit:  |
|-------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|
| BURNS       | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |
| HINGA       | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| KRAUS       | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <u>A</u>                 |
| MOSES       | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| NUCKOLS     | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| SCHMIDT, D. | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| SCHMIDT, V. | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| STIER       | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| TALARICO    | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

DATE: 10-22-73

Chuck M. Tuttleman  
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (Zoning Map) (General) (Annexation) (Special) (Appropriation) Ordinance (Resolution) No. \_\_\_\_\_ on the 23rd day of October, 1973.

WITTEST: (SEAL)

Chuck M. Tuttleman  
CITY CLERK

\_\_\_\_\_  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of October, 1973, at the hour of 8:30 o'clock A. M., E.S.T.

Chuck M. Tuttleman  
CITY CLERK

Approved and signed by me this \_\_\_\_\_ day of \_\_\_\_\_, 197\_\_\_\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

\_\_\_\_\_  
MAYOR

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on August 28, 1973, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-73-08-39; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

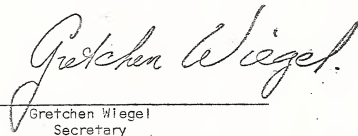
WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on September 17, 1973;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO NOT PASS for the reasons that no need has been shown for the Land Use Plan to be amended, the amendment will not be in the best interest of and benefit to the area involved and of and to the City, and the amendment will be detrimental to and conflicts with the overall City Plan, and,

BE IT FURTHERE RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held September 24, 1973.

Certified and signed this  
8th day of October, 1973.

  
\_\_\_\_\_  
Gretchen Wiegel  
Secretary

Bill No. Z-73-08-39

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance

Amending the City of Fort Wayne Zoning Map No. BB4

have had said Ordinance under consideration and beg leave to report back to the Common  
Council that said Ordinance Do not PASS.

John Nuckols - Chairman

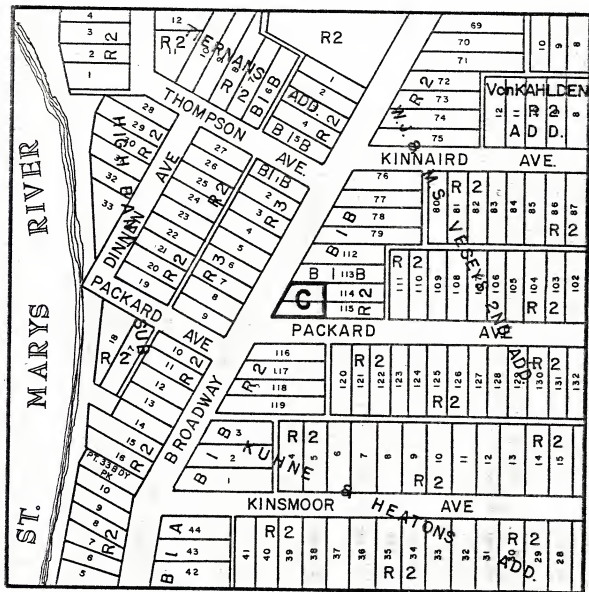
Vivian G. Schmidt - Vice - Chairman

William T. Hinga

Paul M. Burns

Donald J. Schmidt

DATE 10-23-73 CONCURRING IN  
CITY CLERK



C-CHANGE FROM BIB TO B3B

File # 7-73-08-39

PETITION FOR ZONING ORDINANCE AMENDMENT

TO: COMMON COUNCIL OF THE  
CITY OF FORT WAYNE, INDIANA

Receipt No. \_\_\_\_\_  
Date Filed \_\_\_\_\_  
Intended Use 1/1 HOLOSTERY SHOP

I/We Mr. & Mrs. J. B. Luffman  
(Applicant's Name or Names)  
do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne, Indiana, by reclassifying from a/an B.1 B. District to a/an B.3 B. District the property described as follows:

Lot number 114 in W.J. and M.S. Vesey's Second Addition to the City of Fort Wayne except the east 115 feet thereof. Recorded by instrument number 72-25129 and part of lot number 115 in W.J. and M.S. Vesey's Addition to the City of Fort Wayne, thence north along the east line of Broadway in the City of Fort Wayne, Indiana a distance of 43.95 feet, hence east along the north line of said lot 115 a distance of 91.8 feet, thence south on a line parallel to the east line of said lot 115 a distance of 38.75 feet to a point on the north line of Packard Avenue in the City of Fort Wayne, Indiana, thence west along said north line of Packard Avenue a distance of 112 feet to place of beginning. Recorded by instrument number 72-21545.

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

|                      |                              |                      |
|----------------------|------------------------------|----------------------|
| <u>Roger Beault</u>  | <u>R.R. 2, Griffiths Ind</u> | <u>Dean Brach</u>    |
| <u>J. B. Luffman</u> | <u>3233 Broadway</u>         | <u>J. B. Luffman</u> |
|                      | <u>FT. WAYNE</u>             |                      |
| _____<br>(Name)      | _____<br>(Address)           | _____<br>(Signature) |

Legal Description Checked By: \_\_\_\_\_  
(City Engineer)

NOTE FOLLOWING RULES:

All requests for continuances or requests that ordinances be taken under advisement shall be filed in writing in the Office of the City Plan Commission by noon on the Wednesday preceding the meeting of the City Plan Commission at which the ordinance is to be considered. If the request for a continuance or advisement is filed within the required time, the matter will not be put on the agenda for that meeting. It shall be the obligation of the petitioner to notify the same property owners which the Plan Commission had notified by mail that the hearing has been postponed or rescheduled and inform them of the time and place of the meeting at which the ordinance will be considered. All withdrawals of ordinances must be made in writing prior to the Plan Commission's vote on the ordinance.

Name and address of preparer, attorney or agent:

J. B. Luffman 3233 Broadway 456-4067  
(Name) (Address) (Telephone Number)

City Plan Commission, City-County Building, Room 800, One Main Street,  
Fort Wayne, Indiana 46802 Telephone Number 423-7571

PETITION FOR ZONING ORDINANCE AMENDMENT

TO: COMMON COUNCIL OF THE  
CITY OF FORT WAYNE, INDIANA

Receipt No. \_\_\_\_\_

Date Filed \_\_\_\_\_

Intended Use 1/4 HORSESHOE SHOP

I/We Mr. & Mrs. J. B. Luffman  
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne, Indiana, by reclassifying from a/an B.1 B. District to a/an B.3 B. District the property described as follows:

Lot number 114 in W.J. and M.S. Vesey's Second Addition to the City of Fort Wayne except the east 115 feet thereof. Recorded by instrument number 72-25129 and part of lot number 115 in W.J. and M.S. Vesey's Addition to the City of Fort Wayne, thence north along the east line of Broadway in the City of Fort Wayne, Indiana a distance of 43.95 feet, hence east along the north line of said lot 115 a distance of 91.8 feet, thence south on a line parallel to the east line of said lot 115 a distance of 38.75 feet to a point on the north line of Packard Avenue in the City of Fort Wayne, Indiana, thence west along said north line of Packard Avenue a distance of 112 feet to place of beginning. Recorded by instrument number 72-21545.

*Commence at the intersection of E. East line of Broadway and the North line of ...*

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

|                      |                      |                      |
|----------------------|----------------------|----------------------|
| <u>Roger Beault</u>  | <u>3233 Broadway</u> | <u>Roger Beault</u>  |
| <u>J. B. Luffman</u> | <u>FT. WAYNE</u>     | <u>J. B. Luffman</u> |
| _____<br>(Name)      | _____<br>(Address)   | _____<br>(Signature) |

Legal Description Checked By: \_\_\_\_\_ (City Engineer)

NOTE FOLLOWING RULES:

All requests for continuances or requests that ordinances be taken under advisement shall be filed in writing in the Office of the City Plan Commission by noon on the Wednesday preceding the meeting of the City Plan Commission at which the ordinance is to be considered. If the request for a continuance or advisement is filed within the required time, the matter will not be put on the agenda for that meeting. It shall be the obligation of the petitioner to notify the same property owners which the Plan Commission had notified by mail that the hearing has been postponed or rescheduled and inform them of the time and place of the meeting at which the ordinance will be considered. All withdrawals of ordinances must be made in writing prior to the Plan Commission's vote on the ordinance.

Name and address of preparer, attorney or agent:

|                      |                      |                    |
|----------------------|----------------------|--------------------|
| <u>J. B. Luffman</u> | <u>3233 Broadway</u> | <u>456-4067</u>    |
| (Name)               | (Address)            | (Telephone Number) |

City Plan Commission, City-County Building, Room 800, One Main Street,  
Fort Wayne, Indiana 46802 Telephone Number 423-7571

2-73-08-39



September 12, 1973

City Plan Commission  
City-County Building  
One Main Street  
Fort Wayne, Indiana

This is to protest, object, and remonstrate the proposed amendment to the Zoning Ordinance of the City of Fort Wayne, Indiana, which proposes to change the following described real estate from a "BLB" District - Limited Business to a "B3B" District - General Business;

Part of Lots No. 114 and No. 115 of M. J. & M. S. Vesey's Second Addition, generally located on the north - east corner of Packard Avenue and Broadway,

for the following reasons:

- would only benefit the petitioner,
- would add to an already congested and overcrowded parking situation,
- would depreciate abutting and adjacent property,
- would be spot zoning,
- no off-street parking provided.

*Eileen J. Coy*

Eileen J. Coy  
1220 West Packard Avenue  
Fort Wayne, Indiana 46807

(owner of part of the above  
lots 114 & 115)



Z-73-08-29

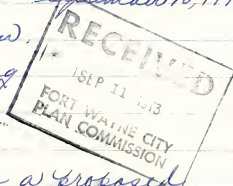
September 10, 1973

City Plans Commission,

City-County Building

One Main St.

Fort Wayne, Indiana



In response to a proposed amendment to the zoning ordinance of the city of Fort Wayne, Indiana, which proposes to change the following described real estate from "B1B" District - Limited Business to "B3B" District.

Part of lots #114 and #115 of M. J. and M. S. Vesey's Second Addition, generally located on the northeast corner of Packard Avenue and Broadway.

I oppose this amendment, because it creates more traffic on the street and in the alley. I base this on the businesses that are already established in

the 3200 block of Broadway.

It would also decrease our property value and increase property insurance rates.

There are many small children living in the 800 and 1200 blocks of Packard that could be affected by this change.

I have lived in this neighborhood for 46 years and like it the way it is.

Sincerely,  
Mrs. Ellen Waggoner  
1202 W. Packard Ave.  
Fort Wayne, Indiana  
46807

Not in favor of the rezoning of part of the lots #114 and #115 of the M.J. and M.S. Vesey's second addition, generally located on the N.E. corner of Packard Avenue and Broadway, being rezoned from "B 1 B", limited business, to "B 3 B", general business.

NAMEADDRESS

|                             |                            |
|-----------------------------|----------------------------|
| Robert T. McKeen            | 1214 W. Packard ave.       |
| Tom L. Pearson              | 1218 W. Packard Ave        |
| Mrs & Mr Macphail Milligoin | 1217 Packard               |
| Charles E May               | 1153 Packard Ave           |
| Edgar T Burton              | 1156 W. Packard            |
| Mrs. Ellie Waggoner         | 1202 W. Packard ave.       |
| Mary C. Eakin               | 1216 W. Packard ave.       |
| Walter L. Long              | 1206 W Packard ave.        |
| Mr. & Mrs. J. R. Johnson    | 3223 Broadway              |
| Marjorie Moffitt            | 3221 Broadway              |
| Mr. & Mrs. Marion Stettler  | 1221 W Packard ave.        |
| W. T. Johnson               | 1149 W. Packard Ave 46807  |
| Helen Johnson               | 1149 W. Packard Ave.       |
| Mr. & Mrs. Louis H. Ebert   | 1143 W. Packard Ave. 46807 |
| Kenneth Stree               | 1140 W. Packard            |
| Danny L. Beatty             | 1150 W. Packard Ave. 46807 |
| Jonny Miracle               | 1145 W Packard 46807       |
| Robert Giffen               | 3227 Broadway 46807        |

Mrs. Donald R. Foster 1211 W. Packard

Eileen J. Coy 1220 W. Packard

Mrs. Wm. Dunsom 1205 Packard

Agnes F. Ormby 1148 Packard.

Admn. Appr. ☒

Number assigned by Dave Keller's Office: # 3216

DIGEST SHEET

2-73-08-39

TITLE OF ORDINANCE Zoning Map Amendment Ordinance

DEPARTMENT REQUESTING ORDINANCE City Plan Commission

SYNOPSIS OF ORDINANCE Preparation of a zoning Map Amendment Ordinance

petition initiated by property owners to rezone property located as follows:

Part of Lots # 114 and # 115 of M.J. & M.S. Vesey's 2nd Addition,

generally located on the northeast corners of Packard Avenue and

Broadway.

From "B1B" to "B3B"

EFFECT OF PASSAGE Property is presently zoned for limited business,  
rezoning would increase useage to general business.

EFFECT OF NON-PASSAGE Property would remain limited business zoning.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) none.

ASSIGNED TO COMMITTEE (J.N.) REG - WCH